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Attorney Docket: 1583 CIP 2 CON 2
(203-654 CIP II CON II)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Bennett, et al.

EXAMINER: David J. Buttner

SERIAL NO.: 09/934,639

GROUP UNIT: Art Unit 1712

FILED: August 22, 2001

DATED: July 29, 2005

FOR: **Bioabsorbable Branched Polymers Containing Units Derived From
Dioxanone And Medical/Surgical Devices Manufactured Therefrom**

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. §1.78(a)(3)
TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM UNDER 35 U.S.C. §120
FOR THE BENEFIT OF A PRIOR FILED APPLICATION**

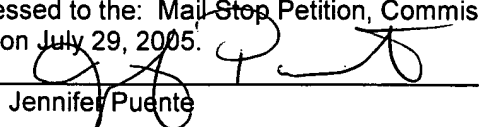
Sir:

Applicants hereby petition for the benefit of earlier filed U.S. application serial No. 09/282,724 filed March 31, 1999, now U.S. Patent No. 6,339,130, which is a continuation of application No. 08/733,683, filed on October 17, 1996, now abandoned, which is a continuation-in-part of application No. 08/477,098, filed on June 7, 1995, now U.S. Patent No. 5,578,622, which is a continuation-in-part of application No. 08/278,898, filed on July 22, 1994, now abandoned.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 29, 2005.

Dated: July 29, 2005


Jennifer Puente

U.S. Application Serial No. 09/282,724 was inadvertently omitted from the original claim for priority under 35 U.S.C. §120. The entire delay between the date the claim for priority was due and the date the claim for priority was filed was unintentional. Submitted with this petition is a copy of the concurrently filed amendment to the specification correcting the priority benefit claim. The amendment changes the first page of the specification to include reference to the applications identified in this petition as required under 35 U.S.C. §120 and 37 C.F.R. §1.78(a)(2). Applicants note that only those parent applications that were incorporated by reference at the time the instant patent application was filed have been included with the benefit claim. Thus, the incorporated-by-reference statement in the benefit claim adds no new matter and is appropriate. See for example, Page 1, lines 9-14 of the instant specification.

Please charge the fee of \$1,370.00 as set forth in 37 C.F.R. §1.17(t) and in 37 C.F.R. §1.78(a)(3)(ii) to Deposit Account 21-0550. **TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.**

The Commissioner is authorized to charge any deficiencies as well as any other fee(s) which may become due under 37 C.F.R. §1.16 and/or 37 C.F.R. §1.17 at any time during the pendency of this application, or credit any overpayments of such fee(s) to Deposit Account 21-0550. TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.

Respectfully submitted,



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